

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSHUA C. GROVER,

Plaintiff,

vs.

STATE OF NEBRASKA,

Defendant.

8:19CV546

**MEMORANDUM
AND ORDER**

The court is in receipt of correspondence from Plaintiff (filing 15), in which he provides notice of a new address and requests appointment of counsel. Plaintiff also inquires about the status of a habeas corpus application he submitted.

Plaintiff is advised that the above-captioned matter was dismissed without prejudice on February 3, 2020. Copies of the court's Memorandum and Order and Judgment dismissing the case were mailed to Plaintiff at his last-known address on the date they were entered, but the mailing was returned to the court on February 10, 2020, as undeliverable. The clerk of the court will be directed to resend copies of those documents to Plaintiff at his new address.

The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel." Trial courts have "broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim." *Id.* Having considered these factors, the request for the appointment of counsel will be denied without prejudice to reassertion.

Finally, Plaintiff is advised that the court received certain documents from him on February 4, 2020, but they were not filed because the court could not ascertain what he was requesting. The documents were returned to Plaintiff by mail that same date.

IT IS THEREFORE ORDERED:

1. Plaintiff's request for appointment of counsel (filing 15) is denied without prejudice.
2. The clerk of the court shall send Plaintiff, at his new address, copies of the Memorandum and Order (filing 12) and Judgment (filing 13) that were entered on February 3, 2020.

Dated this 24th day of February, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge